

Appl. No. : 10/735,418
Filed : December 11, 2003

REMARKS

Claims 1-18, 20, 22, 24-26, 30, 31, and 34-37 have been canceled without prejudice. Applicant reserves the right to pursue the subject matter of canceled claims in a related application. Claims 19, 28, 38, and 39 have been amended. Support for the amendments can be found, for example, in Claim 18. Therefore, no new matter has been introduced by these amendments. Claims 19, 21, 23, 27-29, 32, 33, and 38-45 are pending. The following addresses the substance of the Final Office Action.

Compliance with 35 USC §112

The Examiner has maintained the rejection of Claims 24-26 and 30 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicant disagrees with the rejection. However, to expedite allowance of this application, Applicant has now canceled Claims 24-26 and 30 while reserving full right to pursue the subject matter of these claims in a related application. Therefore, this rejection is now moot.

The Examiner has maintained the rejection of Claims 19 and 21 under 35 USC §112, second paragraph, as being indefinite. More specifically, the Examiner has maintained the rejection, because Claim 19 reads “comprising screening compounds using for binding to...”. Claim 19 has been amended to now recite “comprising screening compounds using binding of said compounds to...”. It appears that the Examiner included Claim 21 in this rejection by mistake, as Claim 21 does not recite the same indefinite phrase as Claim 19. Therefore, rejection of Claims 19 and 21 under 35 USC §112, second paragraph, as being indefinite should be withdrawn.

The Examiner has rejected Claim 39 under 35 USC §112, second paragraph as being indefinite. More specifically, Claim 39 was rejected for not spelling out the term “TCTP”. Applicant has now amended Claim 39 to spell out the term as “translationally controlled tumor-associated protein”. Additionally, Claim 39 has been amended to spell out the meaning of the term “NMR”. Therefore, Claim 39 is now definite and its rejection should be withdrawn.

Compliance with 37 USC §102

The Examiner has maintained the rejection of Claims 18 and 31 under 35 USC §102(b) as being anticipated by Li et al. Applicant disagrees, however, to expedite the allowance of this

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application, Claims 18 and 31 are now cancelled. Applicant reserves full right to pursue the subject matter of these claims in a related application. Therefore, this rejection is now moot.

Claim Objections

The Examiner has objected to Claim 28 for inadvertently deleting the word "wherein". Claim 28 has now been amended accordingly.

The Examiner has objected to Claims 38 and 40-45 for depending from a rejected base claim. It is Applicant's understanding, that these claims would be allowable if rewritten in independent form including all the limitations of the rejected base claim and any intervening claims or if the base claim was found allowable. Applicant has amended Claim 38 accordingly. Claims 40 and 41 depend on presently amended Claim 39, Claims 42 and 42 depend on presently amended Claim 19, and Claim 43 and 44 depend on Claim 21, the rejection of which was erroneous. Therefore, Claims 38 and 40-45 should be allowed.

Allowed Claims

Applicant wishes to thank the Examiner for indicating that Claims 23, 27, 29, 32 and 33 are allowed.

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CONCLUSION

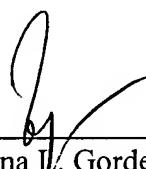
Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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